



ENACTED BILLS RELATING TO EDUCATION

2009 Legislative Session

**Prepared by
Policy and Budget Team
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To view any of the following acts in its entirety, you can go to the listing on the legislative web page by pressing the Ctrl key and clicking here: <http://www.legis.state.wi.us/2009/data/acts>.

BUDGET LEGISLATION

SB 62 – Budget Repair Legislation (Act 2)

The act relates to state finances and appropriations and making diverse other changes in the statutes.

AB 75 – 2009-2011 Biennial Budget Legislation (Act 28)

The act relates to state finances and appropriations, constituting the executive budget act of the 2009 legislature.

For a full summary of biennial budget items affecting K-12 education, please see the policy and budget team's summary at <http://dpi.wi.gov/pb/pdf/act28budsum.pdf>.

OTHER LEGISLATION

AB 255 – Confidentiality of Pupil Records Provided to DPI (Act 11)

The act repeals the requirement that DPI keep confidential any pupil records it receives from local school districts so that K-12 and post-secondary institutions can share data in support of education reform efforts.

The act was needed to ensure DPI can have a PK-16 longitudinal data system as required by the American Recovery & Reinvestment Act (ARRA) that was signed into law by President Obama in February 2009.

SB 27 – Requiring Health Insurance Coverage of Hearing Aids and Cochlear Implants for Persons under 18 Years of Age (Act 14)

The act requires health insurance policies and governmental self-insured health plans to cover the cost of hearing aids and cochlear implants that are prescribed by a physician or a licensed audiologist in accordance with accepted professional medical or audiological standards. The coverage applies to a child under the policy or plan who is under 18 years of age and who is certified as deaf or hearing impaired by a physician or a licensed audiologist. In addition, the policy or plan must cover the cost of treatment related to hearing aids and cochlear implants, including procedures for the implantation of cochlear devices, for such a child.

The coverage of the cost of hearing aids is not required to exceed the cost of one hearing aid per ear per child more often than once every three years. The required coverage may be subject to any cost-sharing provisions, limitations, or exclusions, other than a preexisting condition exclusion, that apply generally under the policy or plan.

SB 232 – Payment of State School Aid in June 2009 (Act 23)

The act increases the amount of funding from the American Reinvestment and Recovery Act (ARRA) used for the June 2009 general school aids payment by \$261,278,000 and requires the DPI to lapse the same amount from the general purpose revenue general school aids fund.

AB 95 – Preparation Time as a Mandatory Subject of Collective Bargaining (Act 34)

The act creates a new mandatory subject of collective bargaining under the Municipal Employment Relations Act (MERA) in school districts. Under the act, in a school district, the employer is required to bargain collectively with respect to time spent during the school day, separate from pupil contact time, to prepare lessons, labs, or educational materials, to confer or collaborate with other staff, or to complete administrative duties.

AB 119 – Requirements for Pupils Enrolled in Five-Year-Old Kindergarten (Act 41)

The act provides that any child who is enrolled in five-year-old kindergarten must attend school regularly, during the full period and hours that kindergarten is in session. It also prohibits a school board from enrolling a child in the first grade unless the child has completed five-year-old kindergarten. The act requires each school board to adopt a written policy specifying the criteria for promoting a pupil from five-year-old kindergarten to first grade. Each school board that operates a five-year-old kindergarten program must also establish procedures, conditions, and standards for exempting a child from the requirement to complete kindergarten as a prerequisite to enrollment in the first grade and standards for reviewing the denial of an exemption upon the request of the pupil's parent or guardian.

AB 316 – Computation of School Days (Act 42)

The act added to the current definition of school days to include days on which school is closed by order of the state department of health services or the school district administrator because of a threat to the health or safety of pupils or school personnel.

The act also requires DPI to promulgate rules establishing criteria for waiving the requirement to schedule at least the number of hours of direct pupil instruction specified by statute if school is closed by order of the local health officer or DHS, or is closed by order of the school district administrator because of a threat to health or safety.

SB 200 – Products Containing Mercury (Act 44)

The act prohibits a public, private, or charter school from knowingly purchasing, using or storing freeflowing elemental mercury for any purpose, or, with certain exceptions, from knowingly purchasing, using or storing a mercury-containing compound or an instrument or measuring device containing mercury.

SB 370 – Grants for Improving Academic Achievement (Act 58)

The act revises current law by changing the department, from DOA to DPI, to which MPS must apply for an annual grant to be used to improve pupil academic achievement.

SB 371 – Establishment of an LDS (Act 59)

The act requires the DPI, the UW System, and the Technical College System Board, to enter into a written agreement that requires those agencies to establish and maintain a longitudinal data system of student data that links such data from preschool programs to postsecondary programs. The written agreement also must describe the process by which any of the agencies on their own or jointly with one or more of the other agencies may evaluate and study education programs operated or supervised by one or more of the other agencies for the purpose of improving student academic achievement.

The act expressly provides that the Wisconsin Association of Independent Colleges and Universities is not required to enter into the written agreement. If the Wisconsin Association of Independent Colleges and Universities does not enter into the written agreement, none of the other agencies may evaluate or study the association's education programs without the approval of the association.

SB 372 – Utilizing the Results of Standardized Exams to Evaluate Teachers (Act 60)

The act allows the results of the state required standardized examinations and the standardized examinations required under the federal No Child Left Behind Act to be used for the evaluation of teacher performance if certain conditions are met. In order to use the results, the school board must develop a teacher evaluation plan that includes a description of the evaluation process, multiple criteria in addition to examination results, the rationale for using examination results for evaluating teachers, and an explanation of how the school board intends to use the evaluations to improve pupil academic achievement. The act also requires a school district to bargain collectively over the development of or any changes to the teacher evaluation plan.

SB 373 – Establishing or Contracting for the Establishment of a Charter School (Act 61)

The act extends current law that requires an entity authorized to establish or contract for the establishment of an independent charter school to consider the principles and standards for quality charter schools established by the National Association of Charter School Authorizers when establishing or contracting for the establishment of a charter school to school districts that are establishing a charter school as well.

SB 157 – Driver Education & Railroad Crossing Instruction (Act 64)

The act requires all approved driver education courses to acquaint each student with the hazards posed by railroad highway grade crossings and provide at least 30 minutes of instruction in safely dealing with these hazards.

Under current law, the DPI

- Must approve driver education courses offered by school districts, county children with disabilities education boards, and technical college districts.
- Must establish minimum standards for driver education courses offered by private schools.

SB 253 – Traffic Control Devices used by School Safety Patrols (Act 88)

The act adds to an exception for school safety patrol flags. School safety patrol flags can be federal yellow, 24 inches square, or fluorescent yellow and not less than 20 inches nor more than 24 inches square, bear the words “safety patrol” or “school,” and be attached to a lightweight pole eight feet or less in length.

SB 288 – Indian Child Welfare (Act 94)

The act incorporates the Federal Indian Child Welfare Act (ICWA) into the Children’s Code [ch. 48, Stats.] and the Juvenile Justice Code [ch. 938, Stats.].

SB 41 – Indoor Environmental Quality (Act 96)

The act directs the State Superintendent to establish an Indoor Environmental Quality in Schools Task Force. The task force will make recommendations to the DPI for the development of a model management plan for maintaining indoor environmental quality in public and private schools.

Using DPI’s model management plan as a guide, each school district and private school participating in the Milwaukee Parental Choice Program will be required to develop an indoor environmental quality plan.

AB 172 – Requiring Instruction in Public Schools on the History of Organized Labor in America and the Collective Bargaining Process (Act 99)

The act provides that the State Superintendent of Public Instruction must incorporate the history of organized labor and the collective bargaining process into the model academic standards for social studies.

AB 236 – Requiring that Certain High School Agriculture Courses be Counted as Science Credits (Act 114)

The act requires school boards to award a science credit to a pupil for each agriculture course the pupil successfully completes in the high school grades if the DPI has determined that the course qualifies as science, according to criteria established by DPI.

AB 458 – Instruction in Human Growth and Development (Act 134)

The act encourages all school boards to ensure that pupils in their districts are provided age appropriate instruction in human growth and development. The instruction should support and enhance communication between pupils and their parents and provide pupils with the knowledge, skills, and support necessary to make healthy decisions now and throughout their lifetimes and to make responsible decisions about sexual behavior.

If an instructional program in human growth and development is provided, the act requires the instructional program to do all of the following:

- Present medically accurate information to all pupils and, when age-appropriate, address the following topics:
 - The importance of communication about sexuality and decision making about sexual behavior between the pupil and the pupil's parents, guardians, or other family members.
 - Reproductive and sexual anatomy and physiology, including biological, psychosocial, and emotional changes that accompany maturation.
 - Puberty, pregnancy, parenting, body image, and gender stereotypes.
 - The skills needed to make responsible decisions about sexuality and sexual behavior throughout the pupil's life, including how to refrain from making inappropriate verbal, physical, and sexual advances and how to recognize, rebuff, and report any unwanted or inappropriate verbal, physical, and sexual behaviors.
 - The benefits of and reasons for abstaining from sexual activity. Instruction under this provision must stress the value of abstinence as the most reliable way to prevent pregnancy and sexually transmitted infections.
 - The health benefits, side effects, and proper use of contraceptives and barrier methods approved by the Federal Food and Drug Administration (FDA) to prevent pregnancy and barrier methods approved by the FDA to prevent sexually transmitted infections.
 - Methods for developing healthy life skills, including setting goals, making responsible decisions, communicating, and managing stress.
 - How alcohol and drug use affect responsible decision making.
 - The impact of media and one's peers on thoughts, feelings, and behaviors related to sexuality.
- Use instructional methods and materials that do not promote bias against pupils of any race, gender, sexual orientation, or ethnic or cultural background or against sexually active pupils or children with disabilities.
- Promote self-esteem and positive interpersonal skills, with an emphasis on healthy relationships, including friendships, marriage, and romantic and familial relationships.
- Identify counseling, medical, and legal resources for survivors of sexual abuse and assault, including resources for escaping violent relationships.

A school board that provides an instructional program in human growth and development must also, when age-appropriate, instruct pupils about all of the following:

- The criminal penalties for engaging in sexual activities with a child.
- The sex offender registration requirements under current law.

The act provides that a school board that elects not to provide an instructional program in human growth and development must send home to the parent or guardian of each pupil enrolled in the school district a notice that includes all of the following:

- A statement that the school board is encouraged by state statute to provide instruction in human growth and development in grades kindergarten to 12.
- The subjects of instruction required if the school board were to provide instruction in human growth and development.
- A statement that the school board is not providing any instruction in human growth and development to pupils enrolled in the school district.

The act eliminates the prohibition on volunteer health care providers providing instruction on human sexuality, reproduction, family planning, HIV and AIDS, prenatal development, childbirth, adoption, available prenatal and postnatal support, and male and female responsibility in a school.

SB 414 – School Nurses & the Administration of Drugs to Pupils (Act 160)

The act defines a school nurse as a registered nurse who meets the qualifications of school nurses prescribed by DPI, by administrative rule.

This act also adds several conditions in regards to the administration of drugs to pupils. Under current law, a school bus operator, and any school, CCDEB, or CESA employee or volunteer authorized by a school district, CCDEB, or CESA administrator, or by a school principal, may administer a nonprescription drug to a pupil in compliance with the written instructions of the pupil's parent or guardian if the pupil's parent or guardian consents. This act adds the following conditions: the nonprescription drug must be supplied by the pupil's parent or guardian in the original sealed manufacturer's package and the package must list the ingredients and recommended therapeutic dose. A pupil may be administered a nonprescription drug in a dosage other than the recommended therapeutic dose only with the written approval of the pupil's practitioner.

Under current law, the persons enumerated above may administer a prescription drug to a pupil if the pupil's parent or guardian consents. This act adds the following conditions: the prescription drug must be supplied by the pupil's parent or guardian in the original pharmacy-labeled package, and the package must specify the pupil's name, the prescriber's name, the name of the drug, the dose, the effective date, and the directions.

The act adds a condition that applies to both prescription and nonprescription drugs: none of the persons enumerated above may administer either to a pupil unless the person has received appropriate training that has been approved by DPI. The act provides that the person administering the drug to a pupil is not immune from civil liability if he or she has not received DPI-approved training, and that the authorizer is not immune from civil liability if he or she authorizes a person who has not received DPI-approved training to administer a drug to a pupil.

SB 423 – Library Boards of Public Libraries Established in a First Class City (Act 207)

The act changes the makeup of the library board and the number of library board members needed to make a quorum. Under current law, a public library established in a first class city is administered by a 12-member library board. One member must be a member of the county board

of supervisors who resides in the county but outside the city. The act eliminates the requirement that the member reside outside the city.

Currently, for the library board of a public library established in a first class city, seven members constitute a quorum. The act provides, instead, that a majority of the seats on the board that are currently filled constitutes a quorum.

AB 247 – Granting High School Diplomas to Certain Veterans with Service-Connected Disabilities (Act 208)

The act authorizes a school board to award a high school diploma to a person who is 55 years or older if that person has a service-connected disability, left high school to join the U.S. armed forces during a war, and served on active duty under honorable conditions.

SB 437 – Authorizes the State Superintendent to Direct a School District to Implement a New Curriculum or Instructional Design, Make Personnel Changes or Adopt Accountability Measures (Act 215)

The act relates to low-performing schools and, school districts, prohibiting tenure for principals and assistant principals, and authorizing the State Superintendent of Public Instruction to intervene with the school district under certain conditions.

Under the act, no principal or assistant principal may be granted tenure or permanent employment. The act provides that this provision first applies to contracts entered into, modified, or renewed on the effective date of the Act, which would be the day following publication of the Act.

1. If the State Superintendent determines that a *school district* has been in need of improvement for four consecutive school years, the *school board* shall do all of the following:
 - a. Employ a standard, consistent, research-based curriculum that is aligned with the state's model academic standards.
 - b. Use pupil academic performance data, including data indicating improvement in pupil academic achievement and acquisition of English, to differentiate instruction to meet individual needs.
 - c. Implement a system of academic and behavioral supports and early intervention for pupils.
 - d. Provide additional learning time to address the academic needs of pupils who are struggling academically, including pupils whose proficiency in English is limited. The additional learning time may include an extended school day, an extended school year, summer school, or inter-session courses.
2. If the State Superintendent determines that a particular *public school* was in the lowest performing 5% of all public schools in the state in the previous school year and is located in the *school district* that has been in need of improvement for four consecutive years, the *school board* shall do all of the following in the *school*:
 - a. Use vigorous and equitable performance evaluation systems for teachers and principals that include annual performance evaluations; multiple rating categories; multiple rating criteria, including improvement in pupil academic achievement as a significant factor; observation-based performance assessments; and an up-to-date collection of professional practice materials. School boards must ensure that improvement in academic achievement is based on at least two measures. A school board shall include a method of identifying mitigating factors that could affect a teacher's or principal's performance.
 - b. Adopt a policy establishing criteria for evaluating whether the distribution of teachers and principals within the affected schools relative to the distribution of teachers and principals

throughout the school district, based on their qualifications and effectiveness is equitable. Using this criteria, the school board must determine whether the distribution of principals and teachers is equitable and if the board determines that distribution is inequitable, the school board must do the following:

- (1) Perform a comprehensive review of current policies and constraints that prevent low-performing school from recruiting, placing, and retaining effective teachers and principals, and implement strategies to eliminate those policies and constraints.
 - (2) Provide additional support to teachers and principals, which may include professional development that is incorporated into their work and tuition reimbursement for courses related to their professional duties.
 - c. Establish teacher and principal improvement programs that include supplemental mentoring for those with emergency licenses or permits; opportunities to pursue other professional certifications; annually provide at least 60 hours of professional development that is incorporated into their work and create a joint labor-management program designed to objectively identify teachers and principals to demonstrate serious performance deficiencies and provide them with opportunities for improvement. The school board must offer career counseling and other career transition benefits to those teachers and principals who continue to demonstrate performance deficiencies.
 - d. Adopt placement criteria for principals that include performance evaluations and measures of pupil academic achievement.
3. If the school superintendent determines that a *school district* has been in need of improvement for four consecutive years, the State Superintendent may direct the *school board* to do one or more of the following in the school district after consulting with the school board, school superintendent, and collective bargaining units in the school district:
- a. Implement or modify activities enumerated for low-performing school districts in the sections above.
 - b. Implement a new or modified instructional design which may include expanded hours, or additional pupil support or services.
 - c. Implement professional development programs that focus on improving pupil academic achievement.
 - d. Implement changes in administrative and personnel structures that are consistent with applicable collective bargaining agreements.
 - e. Adopt accountability measures to monitoring the school district's finance or to monitor other interventions by the State Superintendent.
4. If the State Superintendent determines that a *public school* is located in the school district that has been in need of improvement for four consecutive years, and if the school has been in need of improvement for five consecutive school years, or was among the lowest performing 5% of all public schools in the state in the previous school year, the State Superintendent may, after consulting with the school board, the school district superintendent, and the collective bargaining units, direct the school board to do one or more of the following in the school:
- a. Implement a new or modified instructional design, which may include expanded hours or additional pupil support and services.
 - b. Create a school improvement council consisting of the State Superintendent, school board president, school district administrator, the school district principal, and representatives of each collective bargaining unit in the school district (or their designees), to make recommendations to the State Superintendent regarding improving the school.

If the State Superintendent issues a directive to a school or school district he or she must notify each legislator whose district includes any portion of the school district and must provide a system

of support and improvement, including technical assistance to the board. If a school district receives a directive from the State Superintendent under the legislation, the school board must seek input from school district staff, parents, and community leaders on implementing the directive.

The act provides that nothing in the section regarding school improvement powers and interventions alters or otherwise affects the rights or remedies afforded school districts or school employees under federal or state law or under the terms of any applicable collective bargaining agreement.

The act specifies the provisions that apply to the Milwaukee public schools, as follows:

1. The act provides that by July 1, 2011, the MPS school board must evaluate all school buildings in the school district according to the criteria adopted by MPS and must develop a master plan governing the use, repair, renovation, and demolition of buildings in the school district. MPS is directed, under the act, to establish criteria to evaluate the safety, structural integrity, utility, and cost of maintenance and repair of school buildings in the school district. The criterion is required to include consideration of the advantages and disadvantages of repairing versus demolishing older buildings having high maintenance or operating costs.
2. The act requires MPS to annually prepare a budget for each *school* in the school district.
3. The act further authorizes MPS to collaborate with nonprofit organizations and government agencies to provide pupils with comprehensive social services and educational support, which may include a program that offers comprehensive services that address the needs of children and youth from before the time they are born through postsecondary education.
4. Under the act, MPS is required to provide alternative methods of attaining a high school diploma for those pupils who are unlikely to graduate in a traditional manner, including a program allowing a pupil or former pupil to retake a course in which he or she was not originally successful.
5. The act provides that if MPS determines that state or federal aid is available for the purpose, the board shall participate in an educational research consortium, similar to the Consortium on Chicago's School Research and the Boston Plan for Excellence, to provide research and policy recommendations for the DPI, MPS and the Legislature.
6. Under the act, MPS is required to conduct a survey of parents of pupils enrolled in the school district and use the results of the survey to develop or modify parent involvement in school improvement plans, which may include school-based community resource centers, regularly scheduled public meetings, or parent education classes.
7. If MPS determines that state or federal aid is available, any school in the school district that enrolls pupils in grades K to 5 is eligible to apply to the board for funding to participate in a pilot program designed to develop innovative instructional programs in science, technology, engineering, and mathematics; support pupils who are typically under-represented in those subjects; and increase the academic achievement of pupils in those subjects.

The act provides that if the State Superintendent withholds aid from a school district under s. 121.006, Stats., the school board may request a hearing under the ch. 227, Stats., provisions contained in s. 227.42, Stats.

The act also requires school districts to comply with a directive issued by the State Superintendent under s. 118.42 (3) (a) or (b), Stats., described above.

In promulgating rules required under the act, the State Superintendent of Public Instruction shall consult with the school district or school board president, the school district administrator, and local labor organizations representing employees, of each school district, that the state is immediately affected by the sections dealing with school improvement and intervention, as created by this act, and state legislators whose districts include any part of a school district.

The act also specifically requires the State Superintendent to promulgate rules establishing criteria and procedures for determining whether a school or school district is in need of improvement and whether a school is among the lowest performing 5% of all public schools in the state.

SB 362 – Health Insurance Coverage of Nervous and Mental Disorders, Alcoholism and Other Drug Abuse (Act 218)

The act removes the specified minimum amounts of coverage that a group health insurance policy must provide for the treatment of mental health and substance abuse problems but retains the requirements with respect to providing the coverage. Except for group plans providing limited benefits, the act specifically applies the requirements to all types of group health benefit plans, including defined network plans, insurance plans offered by the state, and governmental self-insured health plans of the state and municipalities.

The act requires that deductibles, copayments, out-of-pocket limits, limitations regarding referrals to nonphysicians, and other treatment limitations under a group health benefit plan or a governmental self-insured health plan, or under an individual health benefit plan that provides coverage of treatment for mental health or substance abuse problems, may not be more restrictive with respect to that coverage than the most common or frequent type of treatment limitations that apply to substantially all other coverage under the plan. The act also requires that expenses incurred for the treatment of mental health and substance abuse problems be included in any overall deductible amount, annual or lifetime limit, or out-of-pocket limit under the plan.

The act provides two exceptions to these equal coverage requirements. If, as a result of the new requirements, the total cost of coverage to an employer under a group health benefit plan or a governmental self-insured health plan for the treatment of mental health and substance abuse problems increases by more than 2 percent in the first plan year that the requirements apply, or by 1 percent in any plan year thereafter, the employer may elect for the employer's plan to be exempt during the following plan year from the new requirements and subject to the requirements for coverage of the treatment of mental health and substance abuse problems under current law. The cost increase must be determined by a qualified actuary. The second exception is for employers with fewer than ten employees. Any such employer may elect for the employer's plan to be exempt during a plan year from the new requirements and subject to the requirements under current law.

Finally, the act requires a group health benefit plan or a governmental self-insured health plan, or an individual health benefit plan that provides coverage of treatment for mental health or substance abuse problems, to make available to an insured or plan participant upon request: 1) the plan's criteria for determining medical necessity for coverage of that treatment; and 2) the reason for any denial of coverage for services for that treatment.

SB 25 – Allows School District Residents to Object to School Board Use of Race-Based Nickname, Logo or Mascot (Act 250)

The act permits school district residents to object to the use of a race-based nickname, logo, mascot, or team name.

The act provides that a pupil attending a public school in a nonresident school district through open enrollment may not file a complaint in which the pupil objects to the use of a race-based nickname, logo, mascot, or team name by the school board of the nonresident school district.

The act provides that, if a complaint objects to the use of a nickname or team name by a school board, the State Superintendent must immediately review the complaint and determine whether the use of the nickname or team name by the school board, alone or in connection with a logo or

mascot, is ambiguous as to whether it is race-based. A contested case hearing must then be scheduled within 45 days and a decision rendered within 45 days after the hearing. If the State Superintendent determines that the use of the nickname or team name by a school board is ambiguous as to whether it is race-based, the use of the nickname or team name by the school board is presumed to be not race-based and at the hearing the school district resident who filed the complaint has the burden of proving by clear and convincing evidence that the use of the nickname or team name promotes discrimination, pupil harassment, or stereotyping, as defined by the State Superintendent by rule.

If the State Superintendent determines that the use of the nickname or team name by a school board is ambiguous as to whether it is race-based but that the use of the nickname or team name in connection with a logo or mascot is race-based, at the hearing the school board has the burden of proving by clear and convincing evidence that the use of the nickname or team name in connection with the logo or mascot does not promote discrimination, pupil harassment, or stereotyping, as defined by the State Superintendent by rule.

Under the act, the State Superintendent may determine that no contested case hearing is necessary under the bill or that a hearing date may be postponed for the purpose of obtaining additional information from the school board if, no later than 10 days after being notified of the receipt of the complaint, the school board submits certain evidence to the State Superintendent.

The act allows the State Superintendent to issue an order to extend the time within which a school board must terminate the use of a race-based nickname, logo, mascot, or team name if, at the hearing or after a decision and order to terminate use of a race-based nickname, logo, mascot, or team name has been issued, the school board presents evidence to the State Superintendent that extenuating circumstances exist that make it impossible or impracticable to fully comply with the order within 12 months. The extension may not exceed 24 months and may apply only to those portions of the order to which extenuating circumstances apply. Extenuating circumstances include circumstances in which the costs of compliance with an order pose an undue financial burden on the school district and circumstances in which the work or the requirements for bidding a contract to complete the work required to bring the school district into compliance cannot be completed within 12 months.

The act allows the State Superintendent to extend the time granted to a school board if the board presents evidence to the State Superintendent that compliance with a portion of the decision and order may be accomplished through a regularly scheduled maintenance program and if the cost of compliance with that portion of the decision and order exceeds \$5,000. The extension may not exceed 96 months and applies only to that portion of the decision and order with which compliance will be accomplished through the regularly scheduled maintenance program and that costs more than \$5,000.

SB 409 – Democratic C.O.R.E. Economic Development Measures (Act 265)

The act makes changes to state law related to economic development. The act creates a post-secondary education tax credit for businesses. Additionally, the act creates or expands various grant and loan programs administered by the UW System, the Wisconsin Technical College System, and the Department of Commerce.

SB 121 – Requires the Center on Education and Work at the UW-Madison to Establish a Career Conversations Program (Act 271)

The act requires the Center on Education and Work at the UW–Madison to establish a program for students enrolled in grades 7 to 12 to engage in webcam conversations about careers with individuals in this state who have careers in math, science, agricultural education, technology

education, or information technology. The act requires the Center to develop criteria for choosing the classrooms that may participate in the program during a pilot period ending on May 15, 2011. The Wisconsin pilot will have the capacity to broadcast to individual students or classrooms. It will be able to record broadcasts so they can be viewed later by the student's parents and other interested parties.

The act also requires the Center to evaluate the effectiveness of the program during the pilot period in promoting careers in math, science, agricultural education, technology education, and information technology. If the Center determines that the program has been effective in promoting such careers, the act allows the Center to continue the program after the pilot period, and to allow participation by additional classrooms. In addition, the Center must submit a report on the programs to the Legislature, DPI, the Department of Workforce Development, and the Department of Commerce.

AB 725 – Instruction in CPR, Cardiocerebral Resuscitation and Use of External Defibrillator to High School Students (Act 273)

The act requires, beginning in the 2011-12 school year, operators of high school grades, including school boards, operators of independent charter schools, and the governing bodies of private schools, to offer enrolled high school students instruction in cardiopulmonary and cardiocerebral resuscitation and about automated external defibrillators (AED). The instruction must be based on an instructional program established by the American Red Cross or the American Heart Association or on other nationally recognized, evidence-based guidelines.

SB 323 – Requiring Newborn Hearing Screening (Act 279)

The act contains the following provisions:

- Requires the physician, licensed nurse-midwife, or certified professional midwife who attended the birth to ensure that the infant is screened for hearing loss before being discharged from the hospital, or within 30 days of birth if the infant was not born in a hospital.
- Requires the Department of Health Services (DHS) to provide referrals of infants screened under the newborn hearing screening program, to programs for hearing loss. This provision does not apply if the parents or legal guardian of the child object to a screen for hearing loss on the grounds that the test conflicts with their religious tenets and practices. Further, no hearing screening may be performed unless the parents or legal guardian are fully informed of the purposes of a screen for hearing loss and have been given reasonable opportunity to object to the screen.
- Requires a physician, nurse-midwife, or certified professional midwife who must ensure that the infant is screened for hearing loss to do all of the following:
 - Ensure that the parents or legal guardian are advised of the screening results.
 - If the infant has an abnormal hearing screening result, ensure the parents or legal guardian is provided information on available resources for diagnosis and treatment of hearing loss.
 - Send to the State Laboratory of Hygiene screening results and the infant's risk factors to contract a hearing loss. The state lab is required to send this information to DHS.
- Provides, with certain exceptions, that no information obtained from the parents or legal guardian may be disclosed. Amends a provision in current law that requires the state lab to impose a fee for tests performed on newborn infants for congenital disorders, to include as part of the fee, the costs of administering the newborn hearing screening program.
- Amends the appropriation in current law which provides funding for diagnostic services, special dietary treatment, and follow-up counseling for congenital disorders and periodic

evaluation of infant screening programs, to include funding for newborn hearing screening, and referrals for follow-up services for hearing loss.

SB 667 – Insurance Coverage for Behavior Analysts’ Autism Treatment (Act 282)

The act adds a behavior analyst who is licensed to practice behavior analysis or a paraprofessional working under the supervision of such a behavior analyst to the list of providers who must be covered under health insurance policies and self-insured governmental and school district health plans for providing a specified amount of intensive-level services and nonintensive-level services to an insured for the treatment of autism, Asperger’s syndrome, and pervasive developmental disorder not otherwise specified as long as the treatment is prescribed by a physician.

SB 523 – Unfair Labor Practices in Violation of Collective Bargaining Rights (Act 289)

The act provides that it is an unfair labor practice under the State Employment Labor Relations Act and under the UW System Faculty and Academic Staff Labor Relations Act (UW System Labor Relations Act) for an employer individually or in concert with others to use any moneys received for any purpose to discourage, to train any supervisor, management employee, or other employee to discourage, or to contract with any person for the purpose of discouraging employees in the exercise of their collective bargaining rights.

The act further provides that the unfair labor practices provisions of the UW System Labor Relations Act do not interfere with a faculty member’s right of academic freedom.

AB 746 – Promotes Use of Locally-Grown Food in School Meals & Snacks (Act 293)

The act requires DATCP to promote “farm to school” programs by connecting schools with nearby farms to provide children with locally produced fresh fruits and vegetables, dairy products, and other nutritious, locally produced foods in school breakfasts, lunches, and snacks.

The act also creates a grant program for farm to school programs. Grants would be made from DATCP, in coordination with DPI, to school districts.

SB 304 – Extended Period for Veterans Tuition Reimbursement Program (Act 297)

The act provides that a veteran may receive reimbursement for tuition and fees for up to 11 credits for a semester that begins more than ten years after separation from the military, even if the veteran enrolls in more than 11 credits that semester.

Currently, the maximum number of credits for which a veteran may receive reimbursement is determined based on the amount of time the veteran served on active duty. A veteran generally must begin studies within ten years after separating from the military to receive tuition and fee reimbursement for the studies. However, current law provides exceptions to this ten-year rule for part-time study. A veteran may receive reimbursement for up to 11 credits for a semester that begins more than ten years after separation if the veteran enrolls in no more than 11 credits that semester; if the veteran enrolls in more than 11 credits that semester, he or she may not receive any reimbursement. Further, for a summer semester, a veteran may receive reimbursement for any number of credits, subject to maximum credit limits. Current law limits reimbursement for studies begun more than ten years after separation to 60 credits.

SB 431 – Prohibits Terms College, University, State and Wisconsin in the Name of Certain Schools; False Use of an Academic Credential (Act 300)

The act generally prohibits the use of certain terms in the name of a school unless certain requirements are met, prohibits issuing, manufacturing, or using a false academic credential, and prohibits falsely claiming to have a legitimate academic credential.

AB 808 – SAGE Program Contracts (Act 301)

The act provides that, beginning in the 2010-11 school year, a school board operating under a SAGE contract may satisfy the class size limitation by reducing each class size in each school covered by the contract to no more than 18 pupils.

Under the act, DPI may not waive any requirement of the SAGE program in any SAGE contract entered into or renewed after the act is effective.

SB 146 – Provides Benefits and Protections to Tribal Schools and Tribal School Pupils and Staff Similar to those Provided to Private Schools (Act 302)

The act defines a tribal school and amends a wide range of statutes to extend to tribal schools and tribal school pupils and staff many benefits and protections provided to private schools and private school pupils and staff. The act does not impose on tribal schools the requirements that apply to private schools but does provide certain benefits only if certain conditions are met.

SB 250 – Open Enrollment Program Affecting Union School Districts (Act 303)

This act requires a nonresident school district that is a union high school district (a district operating only grades 9 to 12) to give preference to pupils who are attending an underlying elementary school district (a district operating only grades kindergarten to 8) of the nonresident school district under the Open Enrollment Program.

Current law establishes criteria that a school district must use to determine whether to accept or reject a nonresident pupil. The act allows a school board of a union high school district to include in its count of occupied spaces pupils who are currently attending an underlying elementary school district of the nonresident school district under the Open Enrollment Program.

SB 342 – Pupils Attending a School District Under Open Enrollment Who Are Habitually Truant (Act 304)

The act provides that if a nonresident school board determines that a pupil attending the school district under the open enrollment program is habitually truant (absent from school without an acceptable excuse for part or all of five or more school days during any semester) during either semester in the current school year, the school board may prohibit the pupil from attending the school district under the open enrollment program in the succeeding semester or school year.

The act also allows a school board to include in its criteria for accepting or rejecting an application from a nonresident pupil to attend the school district under the open enrollment program whether the nonresident school board determined that the pupil was habitually truant from the nonresident school district during any semester of attendance at the nonresident school district in the current or previous school year.

SB 379 – Notification of School Closings and Reopenings (Act 305)

The act requires a school board, within 24 hours of a school being closed by a local health officer or DHS, or by a school district administrator because of a threat to the health or safety of pupils or school personnel, and within 24 hours of reopening a closed school, to notify the DPI that the school was closed. The first notice must include the reason for the closure; the second must specify the number of days the school was closed.

SB 407 – Changes in Eligibility for Academic Excellence Higher Education Scholarships (Act 306)

The act amends the law pertaining to the designation of alternate students to receive the Academic Excellence Higher Education Scholarship so that the process is the same for all high schools, regardless of whether the school weights its GPAs. Under the act, if a designated scholar declines a scholarship, a high school must designate as alternates any remaining seniors with the same GPA as the scholar or, if there is no other student with the same GPA, any remaining seniors with the next highest GPA, but not less than 3.800 or the equivalent.

(Under current law, if a high school does not weigh its courses for purposes of determining GPAs, an alternate must have the same GPA as the original scholar. If the high school does weight its courses, and no other student has the same GPA as the original scholar, the school may designate as an alternate the student with the next highest GPA.)

SB 598 – Procedure for School District Consolidations (Act 307)

The act provides two alternative timelines for school district consolidations if the school boards considering consolidation specify in their initial resolutions which alternative timeline applies. The timeline for the first alternative is the following:

1. The school boards may order the school districts consolidated in the first December following the adoption of their initial resolutions.
2. A referendum is held on the consolidation if the school board of any of the affected school districts directs that one be held, or if a petition signed by a sufficient number of electors is filed before the second Tuesday of February. The referendum, if necessary, is held in April.
3. The consolidation takes effect on the second following July 1.

The timeline for the second alternative is as follows:

1. The school boards may order the school districts consolidated in the first May following the adoption of their initial resolutions.
2. A referendum is held on the consolidation if the school board of any of the affected school districts directs that one be held, or if a petition signed by a sufficient number of electors is filed before the second Tuesday of July. The referendum, if necessary, is held in September.
3. The consolidation takes effect on the following July 1.

SB 154 – School Safety Plans, Pupil Records and School Bullying (Act 309)

The act requires both public and private schools to have in place a school safety plan and sets certain guidelines regarding review of the plan and practicing the plan.

The act requires DPI to develop a model school policy on bullying by pupils. DPI is also directed to develop a model education and awareness program on bullying and to post the model policy and the model program on its Internet site. The act further directs each school board, by August 15, 2010, to adopt a policy prohibiting bullying by pupils. The act permits school boards to adopt the model policy developed by the department.

The act includes a series of provisions dealing with the confidentiality and disclosure of pupil records.

SB 417 – Threshold for Registration and Reporting By Groups & Individuals Seeking to Influence Referendum Results (Act 313)

The act increases the registration threshold for groups that attempt to influence the outcome of a state or local referendum from \$25 of expenditures within a calendar year to \$750 of expenditures within a calendar year.

The act also adjusts the threshold for acceptance of contributions from a single source to potentially qualify for a reporting exemption to a total of \$750 within a calendar year.

SB 681 – Adopts the Interstate Compact on Educational Opportunity for Military Children (Act 329)

The act adopts the Interstate Compact on Educational Opportunity for Military Children, an interstate compact that has been adopted, as of March 22, 2010, by 28 states. The compact addresses school transition issues encountered by children of military families, such as their eligibility, enrollment, placement, and graduation. For example:

1. The compact requires a school district to accept the unofficial records of a school district in another member state for the purposes of enrolling and placing a child of a military family until the official records may be obtained.
2. The compact allows a pupil to request additional excused absences to visit with his or her deployed parent or guardian.
3. The compact allows school districts to waive graduation requirements if similar requirements have been completed in a school district in another state.

Under the act, a state council and a state military education liaison will be appointed to assist military families and the state in facilitating the implementation of the compact. Each state must also appoint a state commissioner, who is the state's member on the Interstate Commission on Educational Opportunity for Military Children. The state council consists of the State Superintendent; the superintendent of a school district with a high concentration of children of military families, a representative from a military installation, and the compact commissioner, all of whom are appointed by the State Superintendent; a member of the Senate; a member of the Assembly; and the military family education liaison, who is appointed by the other council members.

The act makes several changes to the compact, including the following:

1. The compact authorizes the interstate commission to promulgate rules to achieve the purposes of the compact. This act provides that a rule promulgated by the interstate commission is effective in a member state only if it is approved by the legislature of the member state or the state superintendent of education of the member state.
2. The compact authorizes the interstate commission to levy and collect from each member state an annual assessment to cover the costs of the commission's operations and activities. This act provides that this state's annual assessment is the lesser of \$1,000 or the amount calculated by multiplying \$1 by the number of children of military families enrolled in public schools in the state.
3. The compact provides that a member state may withdraw from the compact by repealing the statute that enacted the compact. This act provides that a member state may also withdraw by enacting a law withdrawing from the compact.

SB 514 – Adds Three Projects to the State Building Program (Act 331)

The act amends the 2009–11 Authorized State Building Program to add three projects for the UW System at the UW–Milwaukee. The projects consist of construction of a Freshwater Sciences Initiative research building and purchase of a replacement for the Neeskay research vessel, construction of a Kenwood Integrated Research complex, and the acquisition and redevelopment of Columbia St. Mary's Columbia campus medical facilities.

SB 517 – Creates a New Interstate Compact for the Placement of Children (Act 339)

The act creates a new Interstate Compact for the Placement of Children that becomes effective when 35 states enact the compact. The compact applies to the interstate placement of a child who is subject to ongoing court jurisdiction in a sending state due to allegations or findings that the child has been abused, neglected, or deprived and to the interstate placement of a child as a preliminary

step to a possible adoption. The compact also applies to the interstate placement of a child who has been adjudicated delinquent or unmanageable and who is subject to the ongoing court jurisdiction of a sending state if the placement of the child is not covered under another interstate compact such as the Interstate Compact for Juveniles or an assessment of the placement is not provided through another compact.

A state may withdraw from the compact by repealing the statute that enacted the compact into law in that state.

SB 358 – Licensing for Audiologists; Discipline Grounds for Audiologists (Act 356)

The act changes the requirements for licensure of audiologists, to require a doctoral degree in audiology. It also changes the definition of deceptive advertising by hearing instrument specialists, to encompass representations which are misleading, false, or untruthful and prohibits hearing instrument specialists from making intentional or negligent misrepresentations regarding a hearing aid or service, and intentionally or negligently misrepresent the cause of a hearing impairment, or cure by use of a hearing aid.

In working on this legislation, there was discussion about the language that must be present on a receipt provided to a purchaser of a hearing aid from a hearing instrument specialist. In the act, it was determined that current law should be maintained regarding the language on the receipt (the receipt is required to state that the fitting of the hearing aid does not constitute an examination, opinion, or diagnosis by a person licensed to practice medicine, and is not a medical opinion).

PI 34 will need to be amended to include the audiologist licensing changes as prescribed in this act.

SB 389 – Licenses Sign Language Interpreters (Act 360)

The act specifies that no person may provide, for compensation, sign language interpretation services for a deaf or hard of hearing client unless the person holds a license granted by the Department of Regulation and Licensing (DRL). The act exempts all of the following from the licensure requirement: 1) a person interpreting in a court proceeding, if the person is certified by the Wisconsin Supreme Court; 2) a person interpreting at a school or school-sponsored event, if the person is certified by the Department of Public Instruction; 3) a person interpreting at a religious service or religious function; 4) a support service provider facilitating communication between an interpreter and an individual who is deaf or hard of hearing; and 5) a person interpreting in the course of employment during an emergency, for up to 24 hours.

The act creates two types of licenses, renewable and restricted. There are different requirements for each.

The act also creates a nine-member Sign Language Interpreter Council, which generally advises DRL regarding the practice of sign language interpreters. The council may grant a temporary exemption from the licensure requirement and must make recommendations to DRL regarding a code of ethics for interpreters.

Under the act, a licensed interpreter may not disclose any aspect of confidential communication facilitated by the interpreter, unless all parties to the communication consent and a court determines that disclosure is necessary for the proper administration of justice.

SB 427 – Expands Types of Governmental Units that May Participate in a Joint Local Government Self-Insured Health Insurance Plan (Act 369)

The act allows a county housing authority to participate with a county and one or more political subdivisions that together have at least 100 employees to jointly provide health care benefits to their officers and employees on a self-insured basis.

AB 638 – Format and Fees for Obtaining Copies of Public Records (Act 370)

The act clarifies that a requester is entitled to receive a copy of a public record *in the same format* that the record is maintained, regardless of whether the record appears in written form.

The act also provides that the maximum fee a contractor may charge for obtaining a copy of a record the contractor produced or collected may not exceed the actual, necessary, and direct cost of reproduction or transcription of the record incurred by the requester making the reproduction or transcription, unless a fee is otherwise established or authorized to be established by law.